



S-357
online

ORDINANCE NUMBER 2858

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A DAY NURSERY/KINDERGARTEN SCHOOL WITHIN THE BROOKHAVEN COMMUNITY COLLEGE CAMPUS AT 3939 VALLEY VIEW LANE WITHIN THE PLANNED DEVELOPMENT NUMBER 20 ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
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WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow a day nursery/kindergarten school on an approximate 3-acre site within the approximate 193-acre Brookhaven Community College campus at 3939 Valley View Lane within the Planned Development Number 20 zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 20 (PD-20) zoning district and in accordance with the plan of operation attached as Exhibit "C," the approved site plan attached as Exhibit "D" and subject to the following condition:

1. That the applicant shall obtain City approval of separate instruments dedicating proposed fire lanes and utility easements as shown on the associated site plan, prior to issuance of building permits.

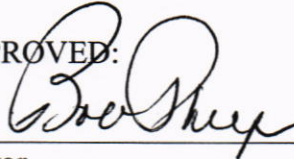
SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

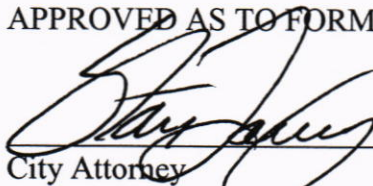
SECTION 7. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, on this the 3rd day of April, 2006.**

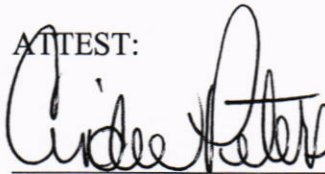
APPROVED: 

Mayor
(Bob Phelps)

APPROVED AS TO FORM:



City Attorney
(Reviewed by Atty. J. Boyle, 3/16/06)

ATTEST: 

City Secretary
(Cindee Peters)

Exhibit "A" - Legal Description

BEING all of REPLAT OF BROOKHAVEN COLLEGE ADDITION, an addition to the City of Farmers Branch, Dallas County, Texas, recorded in Volume 77071, Page 2184 of the Deed Records of Dallas County, Texas, and said tract being more particularly described as follows:

BEGINNING at the present southwest corner of Wooded Creek Estates Addition, an addition to the City of Farmers Branch, Texas, recorded in Volume 74044, Page 601 of the Deed Records of Dallas County, Texas, and said point being in the center of Farmer's Branch Creek and in the east R.O.W. line of Marsh Lane (a variable width R.O.W.);

THENCE with the south line of Wooded Creek Estates Addition and with the center of said creek, the following;

N 41°58'43" E, 303.98' to a point for corner;

N 82°42'30" E, 281.77' to a point for corner;

N 88°37'47" E, 204.69' to a point for corner;

N 76°36'29" E, 171.70' to a point for corner;

N 25°15'46" E, 897.21' to a point for corner in the south line of the Multivest

Real Estate property;

THENCE S 89°51'17" E, 1211.99' with the south line of the Multivest Real Estate property line to a 3/4" iron rod for corner in the west line of the Mobil Research & Development Corporation property;

THENCE S 00°00'54" W, 259.42' with the west line of said Mobil Research & Development property to a 5/8" iron rod for corner;

THENCE N 89°52'37" E, 948.53' with the south line of the Mobil Research & Development property to a 3/4" iron rod for corner in the west R.O.W. line of Alpha Road (a variable width R.O.W.);

THENCE S 00°09'00" E, 1801.58' with the west line of Alpha Road to a 3/4" iron rod for corner at the beginning of a curve to the right having a central angle of 59°18'18" and a radius of 395.50';

THENCE around said curve and with the west line of Alpha Road, a distance of 409.37' to a 3/4" iron rod for corner;

THENCE S 59°09'18" W, 824.81' with the northwest line of Alpha Road to a 3/4" iron rod for corner at the beginning of a curve to the right having a central angle of 30°40'16" and a radius of 424.32';

THENCE around said curve and with the northwest line of Alpha Road, a distance of 227.14' to a 3/4" iron rod for corner in the north R.O.W. line of Valley View Road (a variable width R.O.W.);

THENCE S 89°49'34" W, 1076.92' with the north line of Valley View Road to a 3/4" iron rod for corner;

THENCE S 61°07'40" W, 104.15' with the north line of Valley View Road to a 3/4" iron rod at the northeast corner of the City of Farmers Branch property;

THENCE S 89°49'10" W, 991.65' with the north line of said City of Farmers Branch property to a 3/4" iron rod for corner;

THENCE S 83°36'59" W, 127.71' with the north line of said City of Farmers Branch property to a 3/4" iron rod for corner in the east line of Marsh Lane;

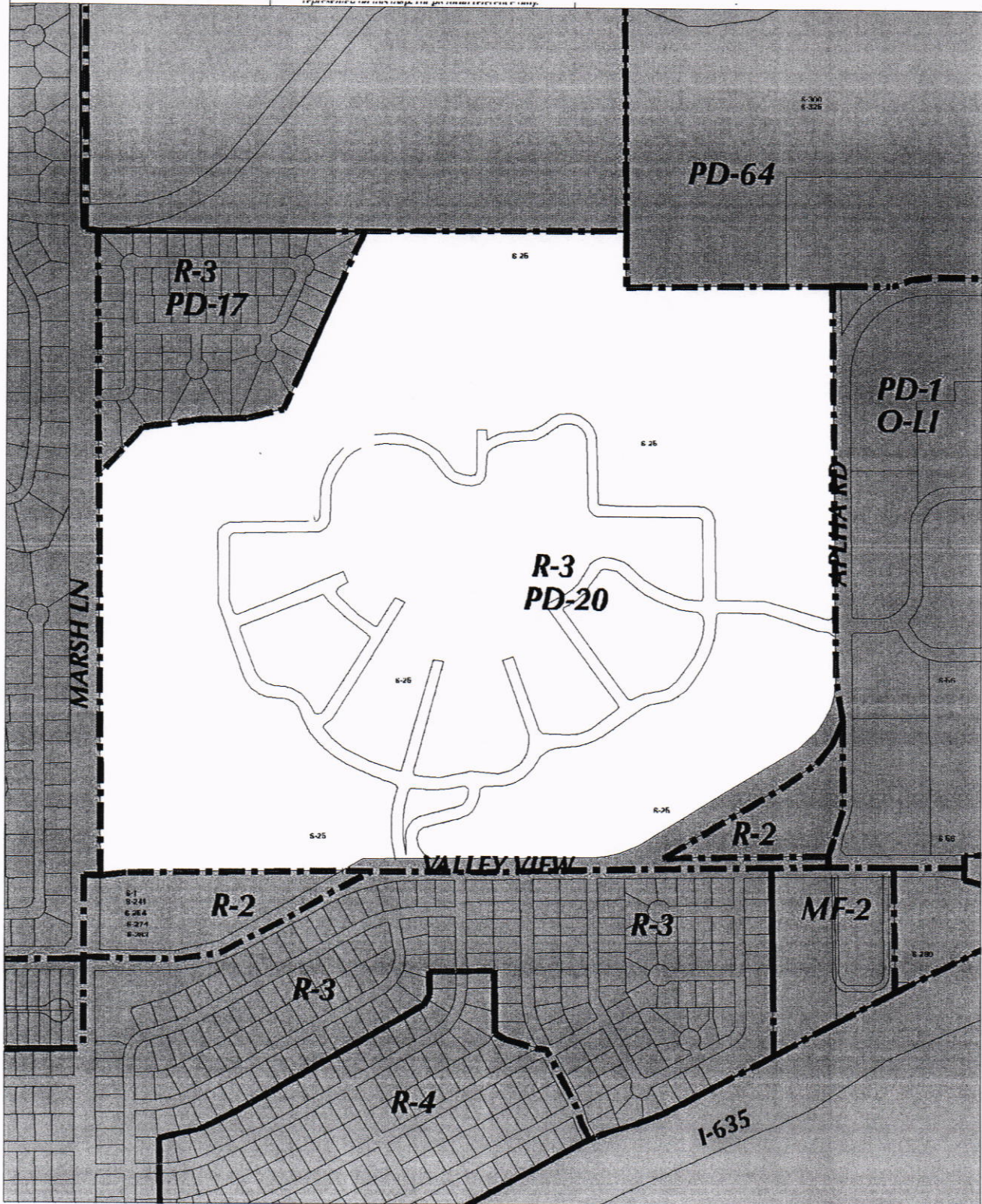
THENCE N 00°08'04" E, 1070.52' with the east line of Marsh Lane to a 3/4" iron rod for corner;

THENCE N 00°02'03" E, 400.24' with the east line of Marsh Lane to a 3/4" iron rod for corner;

THENCE N 00°11'46" W, 367.86' with the east line of Marsh Lane to the place of beginning and containing 8,402,953.83 square feet or 192.9093 acres of land.

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Exhibit "B" – Locator Map



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PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use_ The facility will be used as a laboratory school for both adults and children ages 0-5. Ten classrooms will be dedicated to the Head Start program a for early childhood education and two classrooms for Brookhaven College classes for adults. The building will also have offices to house Head Start support staff and for three Brookhaven Instructors.

Indicate hours of operation of the proposed use_ 7:00 AM to 9:00 PM The Head Start Program's normal hours are from 7:30 AM to 5:30 PM. Brookhaven classes usually are between 7:00 AM to 9:00 PM

Total number of employees_ 30 Head Start employees and 3 Brookhaven employees for a total of 33.

Indicate if any storage is proposed outside the building_ None at this time

Indicate if any activity is proposed outside the building_ A playground for children ages 6 mo. to 5 years will be located adjacent to the building. Children will participate in outdoor activities at least twice a day.

Any other relevant unique information on the business or site_

HEAD START of Greater Dallas, Inc.



TABLE OF CONTENTS

ARCHITECTURAL

1.00 SITE PLAN

CIVIL

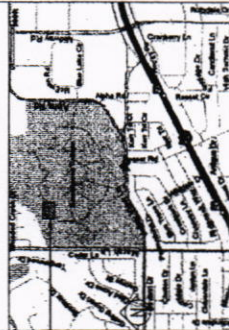
1.01 SITE PLAN

LANDSCAPE

1.02 SITE PLAN



LOCATION MAP



PROJECT SITE

Being that certain lot, tract, or parcel of land located in the Neah Good Survey, Abstract No. 320, in the City of Farmers Branch, Dallas County, Texas and being part of a Replat of Brookhaven College, an addition to the City of Farmers Branch recorded in Volume 85105, Page 2876, of the Deed Records of Dallas County, Texas.

HEAD START - BROOKHAVEN

3939 VALLEY VIEW LANE
FARMERS BRANCH, TX 75244

SUP SUBMITTAL

MARCH 2, 2006

OWNER
HEAD START OF GREATER DALLAS
3854 GAMMON LANE
DALLAS, TX 75237
972.233.6400

t. howard & associates
architects

5648 milton street, suite 203
dallas, texas 75206
214.522.1100

CIVIL ENGINEER
DOTY ENGINEERING GROUP
6350 LBJ FREEWAY
SUITE 109
DALLAS, TX 75240
972.981.1106

LANDSCAPE ARCHITECT
HEMMER THOMPSON ASSOCIATES
1345 CHEMICAL STREET
DALLAS, TX 75207
214.687.3545



Exhibit "D" – Site Plan (Elevations Sheet, Page 3 of 6)

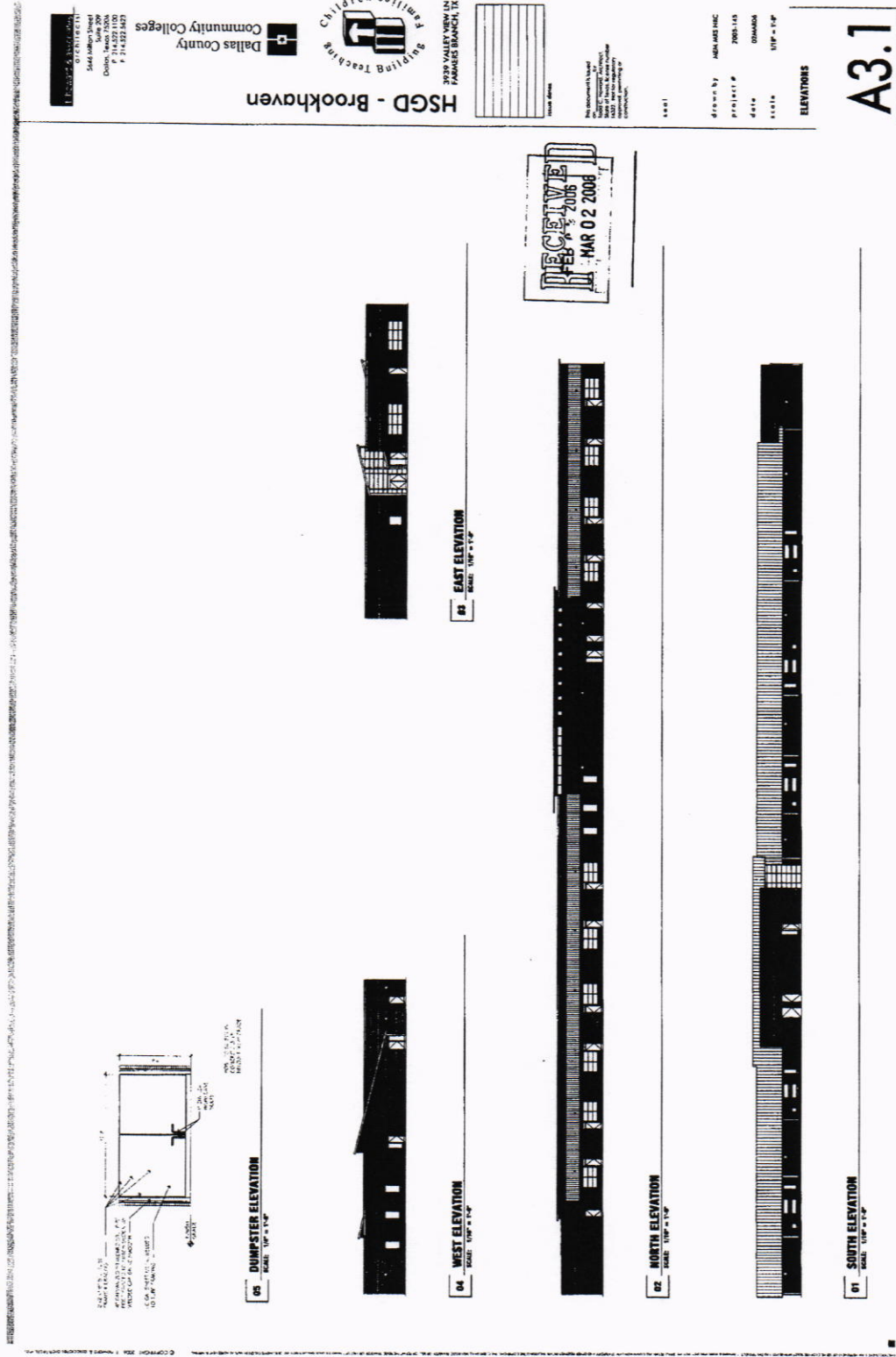
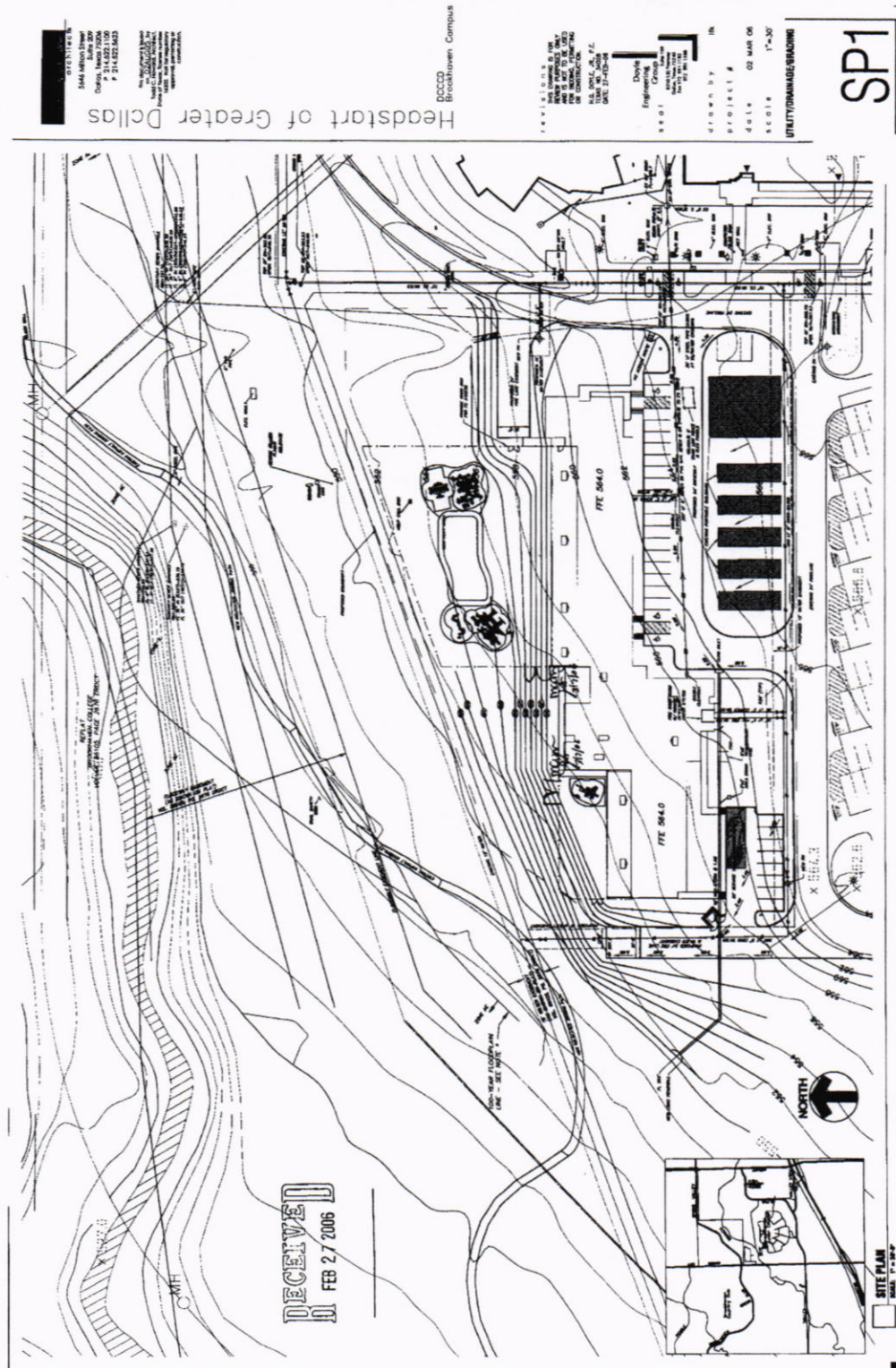
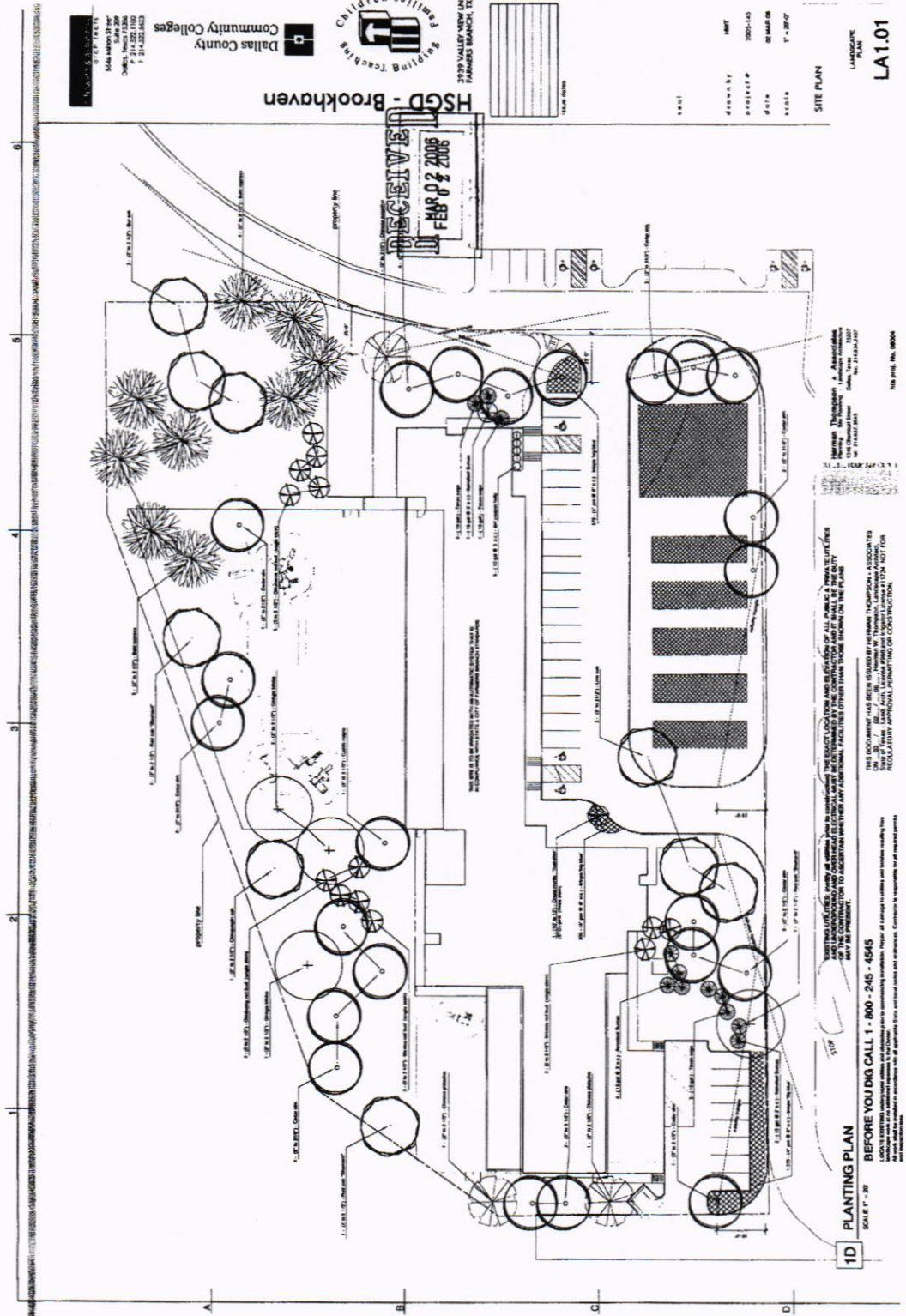


Exhibit "D" – Site Plan (Utilities, Drainage, and Grading Sheet, Page 4 of 6)



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Exhibit "D" – Site Plan (Landscaping Sheet 1, Page 5 of 6)



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SCHEDULE PER LANDSCAPE ORDINANCE - CITY OF FARMERS BRANCH		
PLANT REQUIREMENTS	FEET/0.0	PROVIDED
SITE AREA	426.1 P	19
ONE (1) TREE PER EACH 25' OF PERIMETER	168.1 P	16
ONE (1) TREE PER EACH 25' OF PERIMETER (EAST TOWN)	368.1 P	16
MINIMUM PER PERIMETER LANDSCAPE AREA OF TOTAL PROPERTY	130.000 SF	
TOTAL SITE AREA IS	109.000 SF	
TOTAL SITE AREA NOT COVERED BY BUILDING	74.222 SF	
9% OF TOTAL SITE AREA NOT COVERED BY BUILDING IS	5.720 SF	
TOTAL LANDSCAPE AREA PROVIDED IS NOT COVERED	7.422 SF	

RECEIVED
FEB 02 2006

1D PLANTING SCHEDULES

THIS DOCUMENT HAS BEEN ISSUED BY HERMAN THOMPSON + ASSOCIATES
 10000 E. 15th Ave., Suite 1000, Denver, Colorado 80231
 (303) 751-1000
 REGULATORY APPROVAL PERMITTING OR CONSTRUCTION

SITE PLAN

PLANTING SCHEDULES

LA1.02

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